

CONGRESS OF THE UNITED STATES

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October 23, 2020

The Honorable Robert Kadlec
Assistant Secretary for Preparedness and Response
Department of Health and Human Services
200 Independence Avenue, S.W.

The Honorable Peter T. Gaynor
Administrator
Federal Emergency Management Agency
500 C St. SW
Washington, DC 20024-2523

Dear Assistant Secretary Kadlec & Administrator Gaynor:

To ensure that New Mexico has adequate supplies of Personal Protective Equipment (PPE) for the upcoming fall and winter, we are seeking a full accounting of the amount of PPE that the federal government has delivered from the Strategic National Stockpile (SNS) for use by the state of New Mexico, Indian Health Service (IHS) facilities in New Mexico, and Indian Tribes in New Mexico to address the ongoing COVID-19 pandemic.

According to the Centers for Disease Control and Prevention (CDC), the United States experienced its first confirmed case on January 11, 2020. As of October 23, 2020, the United States has seen a total of 8,312,667 confirmed cases of COVID-19 and recorded over 221,438 deaths.¹ To date, New Mexico has recorded 39,377 cases and 953 deaths. The twenty-three Tribes and Pueblos across the state have been especially hard-hit by this virus, accounting for over 26 percent of the total confirmed cases despite only comprising roughly 11 percent of the state population.

This virus's infectious nature has required hospitals and providers across the United States to more heavily utilize PPE, such as medical masks, gowns, and gloves, to protect themselves and their patients. Hospitals and providers have purchased PPE directly from manufacturers and contractors but due to production disruptions and marketplace shortages, many have sought allocations from state and federal stockpiles,

¹ CDC COVID Data Tracker. Retrieved October 21, 2020, from <https://covid.cdc.gov/covid-data-tracker/>

including the SNS. The SNS is a critical federal resource that acts as the government's central repository of vaccines, antibiotics, anti-toxins, and critical medical supplies and equipment in emergencies, like the current pandemic.

During the early months of the COVID-19 pandemic, the federal government struggled to quickly and equitably distribute PPE and supplies from the SNS. For example, New Mexico only received 25% of the total amount of PPE it requested in March, even as infection rates grew exponentially. This slow response was especially concerning, as many hospitals and providers lacked sufficient supplies to protect themselves and their patients. Additionally, numerous reports found that states were forced to bid against each other and the federal government to secure PPE, driving up costs.¹ We noted these concerns in a March 17, 2020 letter to the Department of Health and Human Services (HHS) and the Assistant Secretary for Preparedness and Response (ASPR).² Additionally, we wrote to the Administration earlier this year requesting it to broaden its use of the Defense Production Act to massively scale up production of testing kits, PPE and other critical materials.

While access to PPE has stabilized somewhat over the past several months, we remain concerned that these early failures of the SNS to meet New Mexico's needs will repeat themselves as case numbers once again begin to spike. New Mexico is already experiencing a troubling spike in new COVID-19 infections and has set a new daily record for infections three times in the past week. Hospitalizations are up 74%, and some of our hospitals are beginning to reach capacity. The rate of new infections is now among the highest in the country and coincides with the first report of confirmed flu cases in the state on October 15, 2020.

As the U.S. enters "Flu Season," states and Tribes will need to deal with an anticipated rise of COVID-19 and seasonal influenza cases peaking at the same time as cold weather forces more people indoors. Combatting both illnesses will require a more significant amount of PPE and coordination than what we have seen to date. Given the current situation, our state and Tribal communities will need to leverage every resource to ensure that patients and our front line health workers are protected.

As such, it is essential to our constituents' public health that the State of New Mexico and the twenty-three Tribes and Pueblos in New Mexico can rely on sufficient amounts of PPE from the SNS to deal with a surge in both COVID-19 and seasonal influenza cases in the coming months. Accordingly, we seek answers to the following questions:

1. What is the current status of the SNS? And does the SNS have enough PPE in each of its categories (e.g., gloves, face shields, N95 respirations) on hand to deal with a potential surge of cases?
 - a. Does HHS and FEMA have a distribution plan in place to deal with a rise in COVID-19 and seasonal influenza cases?

¹ Feiner, L. (2020, April 11). States are bidding against each other and the federal government for important medical supplies — and it's driving up prices. CNBC. Retrieved October 21, 2020, from <https://www.cnbc.com/2020/04/09/why-states-and-the-federal-government-are-bidding-on-ppe.html>

² Udall, T. (2020, March 17). NM Delegation Calls for Federal Government to Provide Medical Protective Equipment to NM from the Strategic National Stockpile. Retrieved October 21, 2020, from <https://www.tomudall.senate.gov/news/press-releases/nm-delegation-calls-for-federal-government-to-provide-medical-protective-equipment-to-nm-from-the-strategic-national-stockpile>

- b. How will ASPR's latest agreement with IHS to use the same vendors for the SNS and IHS's National Supply Service Center allow IHS to respond in a timelier manner to requests from Tribes, Tribal public health authorities, and Urban Indian health programs who may be at risk of becoming hotspots?
 - c. What changes is FEMA making to its data systems to ensure that Tribes' requests are not deprioritized during an expected second wave of COVID-19?
- 2. How much PPE has the Administration allocated explicitly for use by New Mexico and its Tribal communities? Of this amount, how much PPE has been currently transferred over to the state for storage?
 - a. How much PPE has been allocated/delivered to Albuquerque and Navajo IHS service areas? Additionally, how much PPE has been delivered explicitly for New Mexico Tribal relative to each requested amount?
 - b. If the state has not yet received its PPE request, by what date can New Mexico expect to receive its supplies?
- 3. Considering that the IHS, Tribal health authorities, and Urban Indian Organizations have limited access to the SNS, have HHS and FEMA consulted with Indian Tribes or conferred with urban Indian health programs and Tribal epidemiology centers about PPE distribution and allocation? And, if so, how have HHS and FEMA incorporated feedback from Tribes, urban Indian organizations, Tribal epidemiology centers, or IHS into any distribution and allocation decisions?

We appreciate your agencies' previous efforts to provide equipment and assistance to New Mexico during the COVID-19 pandemic and look forward to your prompt response to these important questions.

Sincerely,

/s/ Tom Udall
United States Senator

/s/ Martin Heinrich
United States Senator

/s/ Ben Ray Luján
United States Representative

/s/ Deb Haaland
United States Representative

/s/ Xochitl Torres Small
United States Representative